

## ARCHITECTURAL EXAMINING BOARD[193B]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 544A.29, the Architectural Examining Board hereby gives Notice of Intended Action to amend Chapter 7, “Disciplinary Action—Unlicensed Practice,” Iowa Administrative Code.

The proposed amendments are a result of the five-year review of administrative rules outlined in Iowa Code section 17A.7(2). Chapter 7 describes disciplinary action imposed on those who engage in unlicensed practice. The proposed amendments update the references to the Rules of Civil Procedure.

Consideration will be given to all written suggestions or comments received on or before May 2, 2017. Comments should be directed to Lori SchraderBachar, Iowa Architectural Examining Board, 200 E. Grand Avenue, Suite 350, Des Moines, Iowa 50309. E-mail may be sent to [lori.schraderbachar@iowa.gov](mailto:lori.schraderbachar@iowa.gov).

A public hearing will be held on May 2, 2017, at 2 p.m. in the Board Office, 200 E. Grand Avenue, Suite 350, Des Moines, Iowa, at which time persons may present their views on the proposed amendments either orally or in writing. At the hearing, any person who wishes to speak will be asked to give the person’s name and address for the record and to confine remarks to the subject of the proposed amendments. Any persons who intend to attend the public hearing and have special requirements, such as those relating to hearing or mobility impairments, should contact the Board and advise of specific needs.

These proposed amendments were approved by the Board on March 21, 2017.

These amendments are subject to waiver or variance pursuant to 193—Chapter 5.

After analysis and review of this rule making, the Professional and Licensing Regulation Bureau determined that there will be no impact on jobs and no fiscal impact to the state.

These amendments are intended to implement Iowa Code section 544A.15.

The following amendments are proposed.

ITEM 1. Amend subrule 7.3(1) as follows:

**7.3(1)** The notice of the board’s intent to impose a civil penalty required by Iowa Code section 544A.15(3) shall be served upon the nonregistrant by restricted certified mail, return receipt requested, or personal service in accordance with Rule of Civil Procedure ~~56.4~~ 1.305. Alternatively, the nonregistrant may accept service personally or through authorized counsel. The notice shall include the following:

- a. A statement of the legal authority and jurisdiction under which the proposed civil penalty would be imposed.
- b. Reference to the particular sections of the statutes and rules involved.
- c. A short, plain statement of the alleged unlawful practices.
- d. The dollar amount of the proposed civil penalty.
- e. Notice of the nonregistrant’s right to a hearing and the time frame in which hearing must be requested.
- f. The address to which written request for hearing must be made.

ITEM 2. Amend subrule 7.3(2) as follows:

**7.3(2)** Nonregistrants must request hearing within 30 days of the date the notice is mailed, if served through restricted certified mail to the last-known address, or within 30 days of the date of service, if service is accepted or made in accordance with Rule of Civil Procedure ~~56.4~~ 1.305. A request for hearing

must be in writing and is deemed made on the date of the United States Postal Service postmark or the date of personal service.